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7 Attorney for David Miller

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 vs.  
16 DAVID MILLER and MINNESOTA  
17 INDEPENDENT COOPERATIVE, INC.,  
18 Defendants.

19 Case No. 15-cr-00234-CRB  
20 Case No. 16-cr-0225-CRB

21 The Hon. Charles R. Breyer

22 **STIPULATION AND [PROPOSED]  
23 ORDER RE:**

24 **DEFENDANT MILLER'S SURRENDER  
25 DATE**

The Court has ordered defendant David Miller to self-surrender by 2 pm on December 1, 2023 to begin serving his sentence. Miller does not intend to seek bail pending appeal from the United States Court of Appeals for the Ninth Circuit. The Court has set a restitution hearing for January 24, 2024. In light of the complex factual issues the hearing will likely involve, Miller's counsel needs his assistance in preparation for and during the hearing.

In light of these circumstances, defendant Miller and the United States of America, by and through their respective counsel indicated below, hereby stipulate and agree that Miller's self-surrender date should be continued from December 1, 2023 (the current surrender date) until one week after the conclusion of the restitution hearing now scheduled for January 24, 2024. If the Court continues the restitution hearing, Miller shall self-surrender at his designated institution one week after the conclusion of the continued hearing. If the Court cancels the restitution hearing, Miller shall self-surrender at his designated institution one week after the order of cancellation.

## 13 IT IS SO STIPULATED.

15 | Dated: November 20, 2023

Respectfully submitted,

## LAW OFFICE OF JOHN D. CLINE

/s/  
John D. Cline  
Attorney for Defendant  
**DAVID MILLER**

## UNITED STATES ATTORNEY'S OFFICE

/s/ Andrew Dawson  
Andrew Dawson  
Assistant U.S. Attorney  
Attorneys for Plaintiff  
United States of America

## **ATTESTATION OF FILER**

I attest that I have the permission of the attorney listed above to enter a conformed signature on his behalf and to file the document.

DATED: November 20, 2023

## LAW OFFICE OF JOHN D. CLINE

By: /s/ John D. Cline  
John D. Cline  
Attorney for Defendant David Miller

1                   **[PROPOSED] ORDER**

2                   Upon consideration of the parties' stipulation, the Court HEREBY ORDERS that defendant  
3 David Miller's self-surrender date is continued from December 1, 2023 until one week after the  
4 conclusion of the restitution hearing in this matter, now scheduled for January 24, 2024. If the Court  
5 continues the restitution hearing, Miller shall self-surrender at his designated institution one week  
6 after the conclusion of the continued hearing. If the Court cancels the restitution hearing, Miller  
7 shall self-surrender at his designated institution one week after the date of the order of cancellation.

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9 IT IS SO ORDERED.

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11 DATED: November 21, 2023



HON. CHARLES R. BREYER  
United States District Judge

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